



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Siepel et al.	Examiner:	Lien Tran
Serial No.:	09/936,621	Group Art Unit:	1761
Confirmation No.:	7146	Docket:	294-109 PCT/US
Filed:	September 11, 2001	Dated:	October 15, 2004
For:	Ingredients for Expanded Foods		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Primary Examiner, mailed April 15, 2004, finally rejecting Claims 1-3, 9-11 and 13-15.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

- other than a small entity.
 small entity.

A verified statement claiming small entity status

- is attached.
 was already filed on _____.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

- Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature

Transmitted by facsimile to the Patent and Trademark Office

Date: October 15, 2004

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(e), the fee for filing the Notice of Appeal is:

<input type="checkbox"/>	small entity	\$170.00
<input checked="" type="checkbox"/>	other than small entity	\$340.00

Notice of Appeal fee due **\$340.00**

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (A) or (B), as applicable)

(A) Applicants petition for an extension of time under 37 CFR 1.136 for the total number of months checked below (fees: 37 CFR 1.17(a)-(d)):

<u>Extension (months)</u>	<u>Fee for Other than Small Entity</u>	<u>Fee for Small Entity</u>
[] one month	\$ 110.00	\$ 55.00
[] two months	\$ 430.00	\$215.00
<input checked="" type="checkbox"/> three months	\$ 980.00	\$490.00
[] four months	\$1,530.00	\$765.00

Fee due for indicated extension **\$980.00**

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for 1 months has already been secured. The fee paid therefor of **\$110.00** is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request = **\$870.00**

(B) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee **\$ 340.00**
Extension fee (if any) **\$ 870.00**

TOTAL FEE DUE **\$ 1210.00**

(Notice of Appeal from the Primary Examiner to Board Page 2 of 3)

5. FEE PAYMENT

[X] Attached is a check in the sum of \$1210.00

[] Charge Account No. _____ the sum of \$

A duplicate of this transmittal is attached.

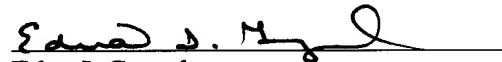
6. FEE DEFICIENCY

[X] If any additional extension and/or fee is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

AND/OR

[X] If any additional fee for claims is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

Respectfully submitted,


Edna I. Gergel
Agent for Applicants
Registration No. 50,819

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
EIG/nr

195786_1